

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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| Calling Party Pays Service Option in |) | |
| The Commercial Mobile Radio Services |) | WT Docket No. 97-207 |
| |) | |
| CTIA Petition for Expedited Consideration |) | |

FURTHER COMMENTS OF BELL ATLANTIC

On February 23, 1998, the Cellular Telecommunications Industry Association ("CTIA") filed a Petition for Expedited Action in this proceeding, which requested that the Commission "issue shortly a Notice of Proposed Rulemaking ("NPRM") to adopt uniform, nationwide rules for Calling Party Pays ("CPP") Service." Petition at 1. By Public Notice dated March 9, 1998, the Commission sought comments on the CTIA Petition.

Bell Atlantic¹ supports the Petition, and urges the Commission to propose Calling Party Pays rules and policies without further delay. The record in response to the Commission's Notice of Inquiry shows that adoption of consistent national

¹ These further comments are submitted on behalf of Bell Atlantic Mobile, Inc. and the Bell Atlantic telephone companies: Bell Atlantic-Delaware, Inc., Bell Atlantic-Maryland, Inc., Bell Atlantic New Jersey, Inc., Bell Atlantic-Pennsylvania, Inc., Bell Atlantic-Virginia, Inc., Bell Atlantic-Washington, D.C., Bell Atlantic-West Virginia, Inc., New York Telephone Company and New England Telephone & Telegraph Company.

rules and policies for CPP will facilitate expanded deployment of CPP by wireless service providers in response to market demand.

It is time for the Commission to move forward to propose a uniform approach to CPP. The Commission issued its Notice of Inquiry in this proceeding more than six months ago, on October 23, 1997 (12 FCC Rcd 17693 (1997)). That Notice called for comment on whether there were technical, legal or other issues impeding the development of CPP that warranted Commission involvement. The resulting record, comprising several hundred pages of comments from more than twenty parties, is clearly sufficient for the Commission to take the next step and issue an NPRM. Numerous comments showed why wider availability of CPP would provide customers with increased flexibility and options in the use of wireless services and would stimulate demand for wireless telecommunications. Those comments also showed that uniform policies toward CPP would ensure consistent notifications to landline callers so that they are aware there is a charge to the calling party, would remove uncertainties as to CPP's status as a commercial mobile radio service, and would reduce "leakage," where wireless providers cannot recover their charges for the service. The sooner the NPRM is adopted, the sooner the benefits of nationwide rules in promoting an environment conducive to expanded CPP will be realized.

Bell Atlantic is supplying with these Further Comments a draft CPP rule which can be included in the NPRM. The Commission should propose a specific rule because that course will help focus additional comments on the specific actions

that the Commission should take, and help expedite conclusion of this proceeding.

The draft rule is intended to achieve the following goals:

-- Clarify that CPP, like other mobile offerings by CMRS providers, is CMRS, and that it may be offered at the option of any CMRS provider. CMRS providers must have the flexibility to determine how and the extent to which they will offer CPP in response to market forces. Landline telephone companies also should have the option of declining to participate in the service except upon reasonable terms; it would not be reasonable for example, if the landline company does not have an opportunity to recover its costs.

-- Specify a CMRS provider's right to recover CPP charges. The record shows that leakage and nonpayment are two obstacles to broader offering of CPP. The rule would make clear that CMRS providers have a right to recover charges from party who calls a CPP subscriber. The rule does not, however, provide detailed methods for collection because this should be left to the industry to resolve through private billing and collection arrangements.

-- Establish national disclosure standards. Parties placing calls to wireless customers who subscribe to CPP must be made aware that there will be a charge for the call. Both customers and CMRS carriers will benefit from uniform national disclosure requirements, rather than multiple, potentially conflicting state-imposed disclosure obligations. This approach will recognize the reality that wireless services do not stop at state borders. Bell Atlantic Mobile, for example, serves customers in Maryland, Virginia and the District of Columbia through a single

cellular system. Its ability to offer CPP would be severely hampered if it were forced to comply with differing requirements imposed by these three jurisdictions. The record in response to the Notice of Inquiry, moreover, clearly supports consistent national standards. The Commission recently concluded its rulemaking to adopt rules governing the use of customer proprietary network information. The Commission determined that national rules must be established, because of the many problems that varying state restrictions governing CPNI would cause. It should follow the same course here, because a single set of CPP disclosure rules, like a single set of CPNI rules, serves the public interest.²

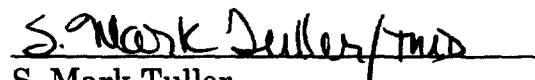
-- Ensure that CPP providers have access to billing name and address data.

To collect charges for CPP calls, CMRS providers must be able to obtain the calling party's billing information subject to customary arrangements with telephone companies for reimbursement of costs. An existing FCC rule, 47 C.F.R. § 64.1201, restricts carriers' use of customer name and address for marketing. Paragraph (e) is written to make CPP data consistent with this rule.

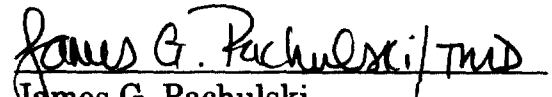
² Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Information and Other Customer Information, CC Docket No. 96-115, FCC 98-27, ¶ 20 (rel. Feb. 26, 1998) ("We find, therefore, that the rules we establish to implement section 222 are binding on the states, and that the states may not impose requirements inconsistent with section 222 and our implementing regulations.").

Bell Atlantic urges the Commission to grant CTIA's Petition and issue a Notice of Proposed Rulemaking forthwith.

Respectfully submitted,


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New 47 C.F.R. § 20. ____: Calling Party Pays.

(a) **Definition.** Calling Party Pays is a commercial mobile radio service offering in which a CMRS provider offers its subscribers the option of receiving some or all of their calls at no charge, and instead bills the calling party.

(b) **Provision of Calling Party Pays.** Calling Party Pays may be offered at the option of the CMRS provider and may apply to some or all calls received by a subscriber. Interconnecting carriers may decline to participate in the service except upon reasonable terms. The CMRS provider is entitled to charge calling parties the CMRS rates set for its Calling Party Pays service, and to recover those charges directly from the calling party.

(c) **Notification to Callers.** A CMRS provider offering Calling Party Pays must provide a distinctive tone or other audible signal to advise callers that they are placing a call to a CMRS subscriber who has elected Calling Party Pays. In addition, for a period of at least 18 months after the CMRS provider commences offering Calling Party Pays, it must also provide a message that advises the caller of the meaning of the distinctive tone or other audible signal and states that the caller will be billed Calling Party Pays charges if the call is completed. States may not impose separate notification requirements.


(d) **Informational Filing.** A CMRS provider offering Calling Party Pays may file one of the following documents with the Commission containing

information about the offering: (i) informational Calling Party Pays service tariffs under Section 203 of the Communications Act; (ii) model contracts for Calling Party Pays service under Section 211 of the Communications Act; or (iii) service reports for Calling Party Pays service under Section 219 of the Communications Act.

(e) **Billing.** All telecommunications carriers that interconnect either directly or indirectly with a CMRS provider offering Calling Party Pays must provide customer name and address information to CMRS providers solely for the purpose of billing Calling Party Pays charges to calling parties, subject to the payment by CMRS providers of a reasonable charge to cover the telecommunications carriers' costs. No CMRS provider shall use customer name and address information obtained under this rule for any purpose other than billing calling parties for the use of the CMRS provider's Calling Party Pays service and collecting charges due. CMRS providers shall not use customer name and address information obtained under this rule for any marketing purposes. Nothing in this subsection requires telecommunications carriers to provide billing and collection services to CMRS providers or prohibits them from providing such services.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 1998 a copy of the foregoing "Further Comments of Bell Atlantic" was sent by first class mail, postage prepaid, to the parties on the attached list.


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* Via hand delivery.

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